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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,573	12/20/2001	Edward E. Lipscomb	87354.2681	3785

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EXAMINER

DOLE, TIMOTHY J

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,573

Applicant(s)

LIPSCOMB ET AL.

Examiner

Timothy J. Dole

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 3, 8, 9 and 13 in fig. 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: all paragraphs in the preliminary amendment are incorrectly numbered; "6" should be "4" in paragraph [0031], line 4 of the preliminary amendment; "an" should be "a" on page 4, line 20; co-pending US Patent Application Serial Number should be 09/702750 not 09/702450 on page 10, line 3; "48" should be "42" on page 13, line 5.

3. Claims 1-14 are objected to because of the following informalities: "an" should be "a" in claim 1, line 7; and "and" should be "a" in amended claim 8, line 8. Claims 2-7 and 9-14 are objected to for depending on objected independent claims 1 and 8, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 2858

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-13 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Frankovitch, Jr. et al.

Referring to claims 1, 8 and 15, Frankovitch, Jr. et al. discloses an oscilloscope adapter for a portable electronic device, comprising: a module (fig. 2 (52)) adapted to interface with a hardware interface port of a portable electronic device (fig. 1 (10)) having a processor (fig. 2 (54)) and a display (fig. 1 (12)), the module including a computer program memory, the memory storing computer program instructions thereon to direct the processor to perform the steps of: collecting data representative of a signal from an external source; and displaying the data on the display as a waveform comprising individual data values as a function of time on a graph having a vertical axis and a horizontal axis, each axis having a scale (column 7, line 58 – column 8, line 14).

Referring to claims 2, 9, 16 and 17, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the adapter further includes a database of model waveforms, and the instructions further direct the processor to display a model waveform from the database on the display (column 7, line 58 – column 8, line 14).

Referring to claims 3, 10, 18 and 19, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the adapter further includes a database of collected waveform data, and the instructions further direct the processor to store the data representative of the

- signal in the database of collected waveform data (column 18, line 65 – column 19, line 7).

Referring to claims 4 and 11, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the adapter or the electronic device contains a buffer, and the instructions further direct the processor to store the data representative of the signal in the buffer (column 18, line 65 – column 19, line 7).

Referring to claims 5 and 12, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the instructions further direct the processor to provide an electronic device input that, when activated by a user, allows the user to adjust the scale of one or both of the vertical axis and the horizontal axis (column 6, line 44 – column 7, line 5).

Referring to claims 6 and 13, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the electronic device input that allows the user to adjust one or both scales is displayed on a setup screen (column 16, lines 56-62).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankovitch, Jr. et al. in view of Alexander et al.

Referring to claims 7 and 14, Frankovitch, Jr. et al. discloses the adapter as claimed except wherein the adapter further includes a language database containing data representative of words in a plurality of languages and the method comprises the additional steps of translating text and displaying the translated text on the display.

Alexander et al. discloses a system wherein the display means includes a language database containing data representative of words in a plurality of languages (column 59, lines 54-56).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the plurality of languages of Alexander et al. into the device of Frankovitch, Jr. et al. for the purpose of making the device useful in all parts of the world whereby increasing the industrial applicability of the device.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to show the state of the art with respect to detecting data with portable devices.

USPN 6,543,695 to Hamilton et al.: This patent shows an apparatus for collecting data with interchangeable data collection modules.

USPN 5,691,926 to Cannon et al.: This patent shows a portable computer with plug-in modules that allow the computer to perform like an oscilloscope.

USPN 4,034,291 to Allen et al.: This patent shows an apparatus for collecting and displaying data in both waveform and alphanumeric form.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Dole whose telephone number is 703-305-7396. The examiner can normally be reached on Mon. thru Fri. from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on 703-308-0750. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TJD
May 13, 2003

TJA J.D.K.



N. Le
Supervisory Patent Examiner
Technology Center 2800